

TIRE-DERIVED AGGREGATE GRANT PROGRAM APPLICATION GUIDELINES & INSTRUCTIONS

Fiscal Year (FY) 2012/13

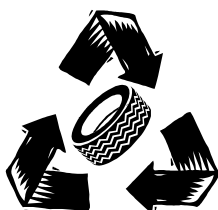


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GRANT CYCLE OVERVIEW

This resource document provides applicants with a cycle overview, instructions on how to access and complete the online application, information about grant administration, and application conditions. The online application can be accessed on [Grant Management System Web \(GMSWeb\) webpage](http://www.calrecycle.ca.gov/Grants/GMS/default.htm) (<http://www.calrecycle.ca.gov/Grants/GMS/default.htm>).

The Department of Resources Recycling and Recovery (CalRecycle) offers the Tire-Derived Aggregate (TDA) Grant Program (Program) pursuant to Public Resources Code (PRC) Section 42872 and 42873.

The purpose of the Program is to promote the use of TDA to increase recycling of California-generated waste tires. The Program provides assistance to civil engineers in solving a variety of engineering challenges. TDA, which is produced from shredded tires, is lightweight, free-draining, and a less expensive alternative to conventional lightweight aggregates.

ELIGIBLE APPLICANTS

- Local governments (cities, counties, and cities and counties) as defined in PRC Section 30109
- Special districts (including transportation districts)
- State agencies (including offices, departments, bureaus, and boards)
- Private, For-profit Entities. For purposes of this Program, a “Private, For-profit Entity” (PFP) is defined as a business intended to operate at a profit and return a profit to its owner(s). The business must be California-based or domiciled in another state with an existing operational presence in California. The business must be qualified to do business in California and in good standing with all applicable California state agencies, including, but not limited to, the Secretary of State and the Franchise Tax Board. Any and all subsidiaries, divisions and/or affiliated businesses are considered part of the primary business entity for the purpose of applying for and receiving a grant award under this Program. A business is considered an “affiliated business” if it has at least one owner with a 20 percent or greater interest in another applicant business.
- Qualifying Indian Tribes. A “Qualifying Indian Tribe” is defined as an Indian tribe, band, nation or other organized group or community, residing within the borders of California, which:
 - (1) is recognized for special programs and services provided by the United States to Indians because of the status of its members as Indians; or
 - (2) can establish that it is a government entity and which meets the criteria of the grant program.

Applicant must be the entity that owns the real property on which an eligible project/product will be located. Only one application may be submitted per eligible applicant. However, an application may include multiple projects at different locations.

ELIGIBLE PROJECTS

Eligible projects generally fall into one of four categories [see the [TDA Uses web page](http://www.calrecycle.ca.gov/Tires/TDA/Uses/default.htm) (<http://www.calrecycle.ca.gov/Tires/TDA/Uses/default.htm>) for more complete descriptions]:

- Category 1: Lightweight fill (slope stabilization, embankment fill, and landslide repair)
- Category 2: Retaining wall backfill (where lightweight material is required)
- Category 3: Vibration mitigation (under rail lines)
- Category 4: Landfill application (aggregate replacement projects such as leachate and gas collection systems, drainage layers, leachate injection). Landfill application projects do not include use of shredded waste tires as alternative daily cover (ADC) or alternative intermediate cover (AIC). Additionally, these landfill application project(s) are not eligible for consideration as a Very Large Project (see below for definition).

All projects are subject to the following requirements:

- One hundred percent (100%) California-generated waste tires must be used in the TDA portion of the project(s).
- The project(s) must be located in California.
- A minimum of 500 tons of TDA must be used in the project(s).
- The project(s) represent a new category of activity at the project(s) facility/location. Projects that are currently underway or that have been completed at the same facility/location within three years of application are not eligible. However, projects in a different category or different use within a category at the same facility/location may be eligible.
- Plans and specifications must be reviewed by CalRecycle staff and/or its contractor(s) prior to commencement of work. The project design plans must be at a minimum 50% design at the time of application submission and 100% design prior to the start of the project. The design plans must include: project costs (preliminary costs must be submitted with the application), the location of TDA placement, the type and quantity of TDA (initial estimate must be submitted with the application), and any analysis necessary to validate the design.
- Each project must incorporate technical assistance/training that will be provided by CalRecycle contractors and/or staff.
- If Applicant's ownership of the property on which the project(s) is located does not give it complete and clear access to the project site(s), then prior to incurring any grant-eligible costs, Applicant must obtain any and all access rights (e.g., easements) to the project site(s) necessary to complete the project(s) within the grant term and shall ensure that such access extends to CalRecycle staff and/or its designated contractors for the purpose of observing the project, providing technical assistance and/or training during the grant term. Such access must be in writing from the legal owner or his/her authorized agent.
- Reimbursement will not exceed the amount stated on the Grant Agreement Cover Sheet (CalRecycle 110).
- Construction of the TDA portion of any project must commence on or after the date indicated in CalRecycle's written Notice to Proceed and be completed by April 1, 2015.

Additionally, each of the following project requirements is specific to the individual type of project as indicated:

- **Landfill projects** must not use more than 0.75 cubic yards (0.5 tons) of TDA per lineal foot of landfill gas collection or leachate injection line.
- For purposes of this Program, a "**Very Large Project**" (VLP) is defined as using over 400,000 passenger tire equivalents or 4,000 tons of TDA material. Landfill applications are not eligible for consideration as a VLP.

AVAILABLE FUNDS

- A total of up to \$1,524,000 is available for this grant cycle, Fiscal Year (FY) 2012/13, subject to funding availability.
- \$350,000 is the maximum available for individual grant awards, except for VLPs (see "Eligible Projects" for definition). VLPs are each eligible for up to \$750,000, with a limit of one per applicant.

GRANT TERM

The Grant Term starts on the date indicated in the "Notice to Proceed" (NTP) from CalRecycle and ends on **April 1, 2015**. The NTP, which is issued after the Grantee and CalRecycle have both executed the Grant Agreement, is a formal notification from CalRecycle that authorizes the Grantee to begin the Grant Project and incur costs.

The Final Report, Final Payment Request and Request for the 10% Withhold are also due to CalRecycle on **April 1, 2015**, which is the end of the Grant Term.

ELIGIBLE COSTS

Eligible costs include expenditures incurred during the Grant Term that are directly related to the purchase and transportation of the TDA material, and the installation, testing, and engineering/design work for the TDA portion of the project. One or more projects may be combined into a single grant application. Testing costs are subject to a maximum of \$5,000 per project category. Engineering/design costs are subject to a maximum of 13% of the combined total cost of material, installation, and testing, not to exceed \$45,000. For a single VLP (see “Eligible Projects” for definition), engineering/design and testing costs are subject to a maximum of 13% of the combined total cost of material and installation, not to exceed \$86,283, the maximum allowed for a \$750,000 grant.

INELIGIBLE COSTS

Ineligible costs include, but are not limited to:

- Costs incurred for projects that start construction of the TDA portion of the project prior to the Notice to Proceed date, or end construction of the TDA portion of the project after April 1, 2015;
- TDA material that is not made from 100% California-generated waste tires;
- Other project-related costs, including, but not limited to, planning, permitting, environmental studies, and site preparation;
- Projects that are currently underway or that have been completed at the same facility/location within three years of application;
- Use of shredded waste tires as alternative daily cover (ADC) or alternative intermediate cover (AIC) in landfill applications;
- Personnel costs, including fringe benefits;
- Overhead and/or indirect costs; and
- Any other costs deemed unreasonable or unrelated to the purpose of the grant by the Grant Manager.

Detailed cost information is included in the Procedures & Requirements – Exhibit B of the Grant Agreement. See the Grant Administration Documents section of the [TDA Notice of Funds Available Web page \(http://www.calrecycle.ca.gov/Tires/Grants/TDA/default.htm\)](http://www.calrecycle.ca.gov/Tires/Grants/TDA/default.htm) to download a draft of the Procedures & Requirements.

QUESTION-AND-ANSWER PROCESS

Because this is a competitive grant program, CalRecycle staff cannot answer any questions about your project or the application except through the Question and Answer Process. Questions regarding your project, the application and/or its requirements must be in writing and received by February 6, 2013, via email at: grants@calrecycle.ca.gov;

Questions received by any other method or after February 6, 2013, will not be accepted.

Periodically during the Question and Answer (Q&A) period, Qs&As will be posted on the [Qs&As website \(http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/QandA.htm\)](http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/QandA.htm). Similar or related questions may be grouped together or re-worded for clarity and responded to as one question. All Qs&As will be posted approximately two weeks after the deadline and are subject to updates. It is the applicant's responsibility to check this website for the latest information.

TIMELINE FOR TIRE-DERIVED AGGREGATE GRANT PROGRAM, FY 2012/13

Date	Activity
February 6, 2013	Question and Answer Period <ul style="list-style-type: none"> Questions may be submitted from Application release date to this date Questions must be submitted by email
February 20, 2013	<ul style="list-style-type: none"> All answers will be posted (tentative)
February 27, 2013	Application Due Date <ul style="list-style-type: none"> Applications must be submitted in GMSWeb by this date. Customer service will only be available until 5:00 p.m. on this date
March 27, 2013	Secondary Due Date If Resolution not submitted with the application Approved Resolution must be uploaded in GMSWeb by this date If applicant does not have an EPPP policy at time of application <ul style="list-style-type: none"> EPPP Policy must be adopted and Notification must be uploaded in GMSWeb by this date
April 2013	Grants Awarded <ul style="list-style-type: none"> CalRecycle considers funding recommendations, and if approved, conditionally awards grants during this month (tentative)
April 1, 2015	Grant Term —may incur program or project costs from after the issuance of the Notice to Proceed to this date
April 1, 2015	Final Report, Final Payment Request and Request for 10% withhold Deadline

APPLICATION INSTRUCTIONS

APPLICATION ACCESS

The application is available in CalRecycle's web-based Grants Management System (GMSWeb). Access to GMSWeb is secure; therefore you must have a CalRecycle WebPass in order to log into the system.

Applicants who have not previously obtained a CalRecycle WebPass can create an account at [CalRecycle WebPass site \(https://secure.calrecycle.ca.gov/WebPass/\)](https://secure.calrecycle.ca.gov/WebPass/).

After logging into [GMSWeb \(https://secure.calrecycle.ca.gov/Grants/\)](https://secure.calrecycle.ca.gov/Grants/), select "Grant Application Search" on the left. Open grant cycles are displayed in a table. Find Cycle Name: Tire-Derived Aggregate Grant; Cycle Code: TDA2 and select "Apply."

APPLICATION CONTENTS AND INSTRUCTIONS

The online application is divided into tabs. To complete an application, click on each tab and complete the sections as required. General directions are on the top of each tab and detailed information about requirements for each tab is provided below.

Summary

This tab provides a summary of the application, directions, and resources. In addition, it contains several checklists to assist applicants with completing the application:

- Application Checklist
- Required Document(s) By Application Due Date
- Other Supporting Document(s) as applicable for your Application/Project
- Required Document(s) By Secondary Due Date

The checklists are provided for the applicant's convenience and are not intended to be all inclusive. It is the applicant's responsibility to ensure that all required documents, based on the individual grant application/project, are submitted by the appropriate due date.

Applicant/Participant

The applicant's name is entered in this tab. The applicant name is the legal name of the jurisdiction/organization that will be legally responsible for grant administration, if awarded.

- Department or unit names are not included in the applicant name.
- County names must be listed with the name first followed by the word "County", e.g., "Sacramento County".
- City names must be listed as "City of" followed by the city's name, e.g., "City of Sacramento".
- For PFP applicants, the organization name may not appear in GMSWeb. If your organization is not listed, please manually enter your organization information and select "private" for Organization Type.
- Every application must have a Lead Applicant even if it is an individual application with no participating jurisdictions. Setting the Lead Applicant is a separate step in the application process. See GMSWeb instructions for more information.

For a list of eligible applicants, please see the Grant Cycle Overview section entitled "Eligible Applicants".

Detail

This tab contains several required elements of the application.

- Enter a dollar amount in the Grant Funds Requested field. To determine amount, complete the Project Summary & Calculation document, found on the Summary tab, in the Resource Documents section. Do not exceed the maximum grant award amount of \$350,000, unless applying for a single VLP. Please round all amounts to the nearest whole dollar.
- Matching Funds are not required for this grant, so skip the Matching Funds field.
- Enter the Assembly Districts and Senate Districts. To select more than one district hold the “Ctrl” key while selecting the numbers.
- Project Summary/Statement of Use: Provide a brief description of the proposed TDA project(s), proposed construction date, and the amount of TDA material that will be used.
- Select the appropriate option for the Resolution or Letter of Commitment Requirement and optional Letter of Designation.

Contacts

The application must include only one Primary Contact and at least one Signature Authority. Each contact entered into the application may be granted access by checking the box on the bottom of the contact’s detail screen. The contact will be able to log into GMSWeb using their own CalRecycle WebPass and access the application.

Primary Contact	One person who has been authorized by the Signature Authority/Designee to manage and oversee the grant. This person will be the first contact with whom the Grant Manager will communicate.
Secondary Contact	A person authorized (by the Primary Contact or Signature Authority/Designee) as the alternate person with whom the Grant Manager will communicate. (Not required)
Signature Authority	The person(s) authorized to sign CalRecycle grant-related documents, such as the grant application, grant agreement, etc. This person is authorized by a Resolution, Letter of Commitment, or Letter of Designation (if applicable). <i>Please see Applicant’s Documents section for more information about documentation for Signature Authorities.</i>
Consultant	A professional who provides advice in a particular area of expertise. If the applicant is awarded a grant, the consultants may manage or only conduct specific activities, based on a written agreement between the applicant and the consultant outlining work to be performed. (Not required)

Budget

Enter a dollar amount in the Materials budget category. Total budgeted amount must equal the Grant Funds Requested amount, which is calculated in the Project Summary & Calculation document, located on the Summary tab, in the Resource Documents section.

See Grant Cycle Overview section entitled “Eligible Costs” for further information

Address/Site(s)

All applications must contain a payment address. Enter the **department name only** (do not include the applicant name in this field). Choose Payment Address as the Address/Site Type and enter the complete mailing address. The budget amount or summary fields are not required for the payment address entry.

Documents

Application documents must be uploaded to the Documents tab to complete the application. When uploading a document, enter a unique title, select the appropriate document type from the drop down list, and enter the date that it was executed/signed, if applicable, or select “today’s date,” Documents’ file size must not exceed 10 megabytes per upload.

After all the application documents are uploaded print the Application Certification from Application Submission section of the Summary tab. The Application must obtain a signature from the authorized Signature Authority, scan the document, upload it, and retain the original hard copy document in your cycle file. After the Application Certification document is uploaded the Submit Application button will be enabled.

See the section entitled “Application Documents” for more information about document requirements.

APPLICATION DEADLINE

Applications must be submitted in GMSWeb no later than **February 27, 2013**. Customer service will only be available until 5:00 p.m. on the application due date.

APPLICATION DOCUMENTS

Each applicant must upload certain documents in addition to filling out the application. The application is not complete until all required documents have been uploaded to the Documents tab of the GMSWeb application.

CALRECYCLE DOCUMENTS

You can locate the CalRecycle documents on the Summary tab, in the Application Documents section. To access the document, you must click on the link, open it up, fill it out, save it to your computer, and then upload it to the Documents tab. Below is a list and examples of some of those documents.

Environmentally Preferable Purchasing and Practices Policy Requirement

Consistent with CalRecycle's core values, all grant applicants are required to have an existing or to develop and implement an Environmentally Preferable Purchasing and Practices (EPPP) Policy for their organizations. An applicant must have an EPPP Policy in place by the secondary due date of **March 27, 2013**.

Applicants who have an EPPP Policy in place prior to submitting their application must certify to this fact in the EPPP Policy Certification – Notification document. Any Applicant who does not have an EPPP Policy in place when it submits its application may certify in the EPPP Policy Certification/Notification document that it will adopt one and upload the Notification in GMSWeb. CalRecycle must receive the Notification by the secondary due date or the application will be disqualified.

The portion of the EPPP Policy Certification/Notification document that is required to be completed with application submittal is shown below. Enter the Applicant name select the appropriate box in the EPPP Certification section of the document. If you have an EPPP Policy in place you do not need to upload a copy, only upload the EPPP Policy Certification/Notification document.

EPPP Certification		
All applicants must fill out this section and upload in GMSWeb by the application due date.		
Applicant / Organization Name:		
Must check one box		
	Yes, our entire organization has an EPPP Policy.	
	Date Adopted:	By: (e.g., governing body name, executive officer, etc.)
No, our entire organization does not have an EPPP Policy. We acknowledge that our organization must adopt one by March 7, 2013 and upload this certification again in GMSWeb by the secondary due date; March 7, 2013, or our application will be disqualified.		

If the applicant adopts an EPPP Policy after application submittal, complete the Notification section of the EPPP Policy Certification/Notification shown below. Do not upload a copy of the EPPP Policy. The Notification must be uploaded by the secondary due date.

EPPP Notification	
For applicants who marked no in the above section, must complete this section and upload it in GMSWeb by the secondary due date. CalRecycle must receive this certification by the secondary due date of March 7, 2013 or the application will be disqualified.	
Must check box	
	Yes, our entire organization has an EPPP Policy.
	Date Adopted: _____ By: (e.g., governing body name, executive officer, etc.) _____
<i>Certification: I declare, under penalty of perjury, under the laws of the State of California, that the above information is true and correct to the best of my knowledge.</i>	
X	
<i>Signature Authority - as authorized in Resolution or Letter of Commitment; or Authorized Designee - as authorized in submitted Letter of Designation</i>	<i>Date</i>
<i>Print Name</i>	<i>Print Title</i>

The list below contains concepts/policies that CalRecycle encourages organizations to include in their EPPP Policies. To see examples of existing Environmentally Preferable Purchasing and Practices Policies, visit the [Responsible Purchasing Network \(www.responsiblepurchasing.org/purchasing_guides/all/policies/\)](http://www.responsiblepurchasing.org/purchasing_guides/all/policies/).

Producer Responsibility and Source Reduction
1. Products have an environmental standard issued by a third-party or government agency where available. (See California Department of General Services (http://www.dgs.ca.gov/buyinggreen) for product-specific information).
2. Vendors or manufacturers agree to take back old product or packaging or cover the cost of recycling/disposal.
Recycled Content
3. Products contain recycled content that meet or exceed the California State Agency Buy Recycled Campaign requirements (http://www.ciwm.ca.gov/BuyRecycled/StateAgency/Requires.htm) .
4. Products contain recycled content that meet or exceed the guidelines in the US EPA's Comprehensive Procurement Guidelines (http://www.epa.gov/epawaste/conserve/tools/cpg/products/index.htm) , if higher than SABRC requirements
5. Products contain recycled content as recommended in the Buying Green Guide (http://www.dgs.ca.gov/buyinggreen/Home/BuyersMain.aspx)
Energy and Water Savings
6. Products are Energy Star certified, if a US EPA Energy Star certification is available, or products are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.
7. Products are Water Sense certified, if a US EPA Water Sense certification is available.
Toxicity and Pollution
8. Materials used in products are non-hazardous to the extent feasible.
9. Products do not emit harmful air emissions or volatile organic compounds to the extent feasible.

10. Products are readily bio-degradable and non-persistent in the environment after use, where practicable.
Buildings and Grounds
11. All building and renovations follow the green building practices for design, construction and operation, where appropriate, as described in the LEED TM Rating System.
Habitat Preservation
12. Raw materials used in products are sustainably harvested or contain recycled content, to the extent feasible.
13. Raw materials used in products are renewable resources (e.g., not based on a fossil fuel), to the extent feasible.
Continual Improvement
14. Training is provided to new and existing employees
15. Organization regularly evaluates and/or improves implementation of EPP policy

General Checklist of Business Permits, Licenses and Filings Information

- for PFP applicants only

This is a required document to certify compliance, under penalty of perjury, with all required permits, licenses, and filings, both during the application process, and during the grant term and funding process. Complete as appropriate.

Project Summary & Calculation Information

- for all applicants

This is a required document, detailing project summaries and determining the requested grant amount. Complete sections, as appropriate.

The document contains seven tabs. There is a Main tab, four Category tabs, and two Sub-Category tabs. Within each tab, fill out white areas only, as appropriate.

- Complete section one. Both boxes must be checked in order to be eligible.
- An applicant can apply for more than one project category.
 - Complete section two. Check all that apply.
- For each category selected (in section two), provide project (section three) and budget cost information (section four) by navigating to the appropriate category tab.
 - Category tabs are located on the bottom left corner of the document.
- Transfer amount calculated in section five onto the “Grant Funds Requested” field in the Detail tab of GMSWeb.

See Eligible Projects section for “Project Category.”

PLEASE NOTE: Category 4 has additional tabs for additional site location/address entries. If you require more than 3 site locations, please e-mail the Program Lead, Lito Tamondong at Loreto.Tamondong@CalRecycle.ca.gov.

Save and upload the completed document as an Excel file. Do not save as a PDF file. More instructions can also be found within the document.

Project Summary & Calculation Example

For your convenience, a sample spreadsheet has been provided on the Summary tab, in the Application Documents section.

Calculation for Requested Grant Amount (Information and Example)

This document is designed to automatically calculate the grant amount based on required entries (e.g. length, width, height, delivered cost, and the cost for engineering and testing). The examples below are for informational purposes only.

The example calculations below are to help determine the requested amount of grant funds; the final grant reimbursement will be determined by the actual project cost, not to exceed the grant award amount. For calculation purposes, historical, estimated, and/or actual bid costs can be used.

Table 1: Fill Volume: $A \times B \times C = D$

A		B		C		D
Length (feet)	X	Width (feet)	X	Height (feet)	=	Volume ¹ (feet ³)
500	X	50	X	10	=	250,000

¹For landfill projects, volume limited to 0.75 ft³ (0.50 tons)/lineal foot of trench

Table 2: Volume Conversion² to cubic yards: $D/27 = E$

D				E
Volume (feet ³)	/	27	=	Volume (yards ³)
250,000	/	27	=	9,259

²Conversion Factor: 1 yd³ = 27 ft³

Table 3: Tonnage: $E \times 0.675 = F$

E				F
Volume (yards ³)	X	Unit Weight ³ (ton/yards ³)	=	Weight ⁴ (tons)
9,259	X	0.675	=	6,250

³Typical in place density of 50 lbs/ft³ (0.675 ton/yd³)

⁴A combined minimum of 500 tons of TDA must be used in the project(s)

Table 4: Delivered Cost: $F \times G = H$

F		G		H
Weight (tons)	X	Delivered Cost (\$/ton)	=	Material Cost (\$)
6,250	X	40	=	250,000

Table 5: Installation Cost: $F \times 7.50 = I$

F				I
Weight (tons)	X	Installation Cost ⁵ (\$/ton)	=	Installation Cost (\$)
6,250	X	7.50	=	46,875

⁵Maximum for reimbursement is \$7.50/ton

Table 6: Calculation for Requested Grant Amount Example: $H + I + J + K = L$

H		I		J		K		L
Materials	+	Installation	+	Engineering ⁶	+	Testing ⁶	=	Total
\$250,000	+	\$46,875	+	\$39,244	+	\$5,000	=	\$341,119

⁶Engineering/design costs are subject to a maximum of 13% of the combined total cost of material, installation, and testing, not to exceed \$45,000. Testing costs cannot exceed \$5,000 per project category. For a single VLP (see "Eligible Projects" for definition), engineering/design and testing costs are subject to a maximum of 13% of the combined total cost of material and installation, not to exceed \$86,283, the maximum allowed for a \$750,000 grant.

APPLICANT'S DOCUMENTS

The following provides information and examples of documents that you, as the applicant, must provide. It is the applicant's responsibility to ensure that the documents necessary to complete its application are uploaded to the Documents tab of GMSWeb.

Resolution Information

-for applicants subject to a governing body, e.g., City Council, Board of Directors

A copy of the authorizing Resolution is a required application document. However, if applicant needs additional time to obtain the Resolution, it must be uploaded no later than the secondary due date of **March 27, 2013**, or the application will be deemed incomplete and will be disqualified.

Applicants that are subject to a governing body must submit a Resolution that specifically authorizes certain grant-related matters. The following identifies the required Resolution provisions.

- The Resolution must authorize submittal of an application for one or more specifically named CalRecycle grant(s) or for all CalRecycle grants for which the applicant is eligible.
- The Resolution must identify the period of time, up to five years, during which the authorizations are valid. Five years is encouraged; however, periods of less than 5 years are acceptable. If a Resolution submitted to CalRecycle does not specifically identify a period of time, it will be considered valid for one year from the date of adoption.
- The Resolution must identify the job title of the person authorized to sign all grant-related documents necessary to implement and close-out the grant(s) (Signature Authority).

(Optional but encouraged) The Resolution should authorize the Signature Authority to delegate his/her signature authority to another person identified by job title. The Signature Authority must sign a Letter of Designation prior to the Designee's exercise of his/her authority.

Resolution Example

The following Resolution is for example purposes only. Please consult with your attorney to determine the Resolution language most appropriate for the application.

RESOLUTION OF THE **(Name Of The Governing Body)** APPROVING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH **(Name Of Applicant)** IS ELIGIBLE

The following "Whereas" provisions are applicable to all CalRecycle grants; however, they are not required.

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), to administer various Grant Programs (grants) in furtherance of the state of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an Applicant's governing body to declare by Resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the **(Title of Governing Body)** authorizes the submittal of application(s) to CalRecycle for (choose one of the following options) 1) (names(s) of specific grants)) or 2) all grants for which **(Name of Applicant)** is eligible. [Note: this provision is either/or; do not include both options]; and

BE IT FURTHER RESOLVED that the **(Job Title)**, or his/her designee is hereby authorized and

empowered to execute in the name of the **(Name of Applicant)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for (*choose one of the following options*) 1) five (5) years from the date of adoption of this Resolution **or** 2) for a period less than five years (**insert Time Period: from Month, Day, Year through Month, Day, Year**). [Note: this provision is either/or; do not include both options.].

Letter of Commitment Information

-for applicants not subject to a governing body

Applicants, who are not subject to a governing body, must upload with the application, a letter on Applicant's letterhead, dated, and signed by a person with authority to contractually bind the Applicant. The document with the original signature must be maintained in Applicant/Grantee grant file. This letter must:

- authorize submittal of the (name of this Grant Program) application on behalf of applicant; and
- designate the job title of the person authorized to execute all grant documents necessary to secure grant funds and implement the approved grant project (Signature Authority); and
- authorize the Signature Authority to delegate this authority (*not required but encouraged*).

Letter of Commitment Example

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the application

Date

I am **(Job Title)** of **(Name of Applicant)**. I am authorized to contractually bind **Tire-Derived Aggregate Grant Program**. Pursuant to this authority, I hereby 1) authorize the submittal of an application for the **Tire-Derived Aggregate Grant Program**; 2) authorize **(Job Title)** as our Signature Authority to execute all grant documents necessary to secure grant funds and implement the approved grant project; documents include, but are not limited to, applications, agreements, amendments and requests for payment; and, 3) authorize our Signature Authority to delegate this authority. The following information more specifically identifies our Signature Authority:

Name & Job Title
Mailing Address
City, State, Zip Code
Telephone Number

Letter of Designation

- A Letter of Designation (LOD) is required when the authorized Signature Authority delegates his/her authority to another person. The approved Resolution must indicate the Signature Authority's ability to delegate or designate his/her authority. The letter must be submitted prior to the Designee's exercise of his/her authority. If the Designee signs any document in the application, the letter must be submitted with the application.

The letter must:

- be on the Applicant's letterhead
- be dated after the effective date of the approved Resolution
- identify the job title of the Designee
- identify the scope of the Designee's authority
- identify the period during which the Designee may exercise the authority. The Designee's authority may not extend beyond the effective date of the approved Resolution (for example,

if the Resolution is effective until December 31, 2013, then the LOD may be effective only until December 31, 2013)

- it must be signed by the Signature Authority.

Letter of Designation Example

The following letter is for example purposes only. Please consult with your attorney to determine the language most appropriate for the application.

Date

Pursuant to the Resolution authorizing an application for **Tire-Derived Aggregate Grant Program**, I am the designated Signature Authority for **(Name of Applicant/Grantee)**. I am authorized by the Resolution to execute on behalf of **(Name of Applicant/Grantee)** all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved Grant Project for this grant. The Resolution also authorizes me to delegate this authority. Accordingly, I hereby delegate this authority to the **(Job Title of Designee)**. This delegation is effective as long as the Resolution is in effect.

The current **(Job Title)** is identified below:

Name & Job Title

Mailing Address

City, State, Zip Code

Telephone Number

GRANT REVIEW AND AWARD PROCESS

GRANT APPLICATION REVIEW PROCESS

After the close of the application period, CalRecycle Staff will review the applications for completeness and eligibility. Only complete applications can be considered for award.

Applicants may request funding for multiple projects in a single application. For each project, the applicant must provide engineered design plans. The plans must be at a minimum 50% design phase. The document will be used to determine the eligibility of the project from a technical standpoint.

If oversubscribed, CalRecycle will fund one eligible application from each project category using the greatest appropriate amount of TDA material within each category, with the exception of applications for landfill projects. Landfill projects will represent the lowest priority and will be funded only after all other eligible projects are funded. To prioritize funding decisions, if an applicant requests funding for more than one category, the material type used that represents the greatest dollar amount shall determine the grant category. The remaining applications will be ranked starting with project(s) that use the greatest appropriate amount of TDA material in all categories except landfill projects, which will be funded only after all other eligible projects. Additionally, no more than 50% of the initially allocated funding will be for grants to PLPs.

GRANT AWARD PROCESS

For qualifying applications, CalRecycle Staff will develop funding recommendations for the consideration and approval of CalRecycle's Director, or her designee; this is tentatively scheduled for April 2013. CalRecycle reserves the right to partially fund or fund individual phases of selected proposals, and CalRecycle may fund an amount less than requested.

CalRecycle reserves the right to not award any grant funds under one or more cycles.

GRANT AWARDS CONDITIONS

Award of this grant is subject to two conditions: 1) the recommended Grantee's Signature Authority (or where delegation is authorized his/her Designee) must sign and return the Grant Agreement to CalRecycle within 90 days from the date of mailing by CalRecycle; and 2) the recommended Grantee must a) pay all outstanding debts due CalRecycle, and/or b) bring current outstanding payments owed to CalRecycle within 90 days from the date CalRecycle conditionally awarded the Grant.

Failure to comply with either condition will disqualify the recommended Grantee from receiving funding. .

CONDITION SUBSEQUENT

After the Grant Agreement has been executed by both parties, the Grant will be subject to the following condition subsequent: The Grantee may not file for protection under Chapter 9 of the U.S. Bankruptcy Code or declare a fiscal emergency any time within the Grant Term.

If you believe that either of these events is likely to occur in your jurisdiction during the Grant Term, please consult your attorney.

GRANT PROGRAM ADMINISTRATION

GRANT AGREEMENT

Following CalRecycle's conditional approval of the Grant awards, Grantees will be emailed the following:

- Award letter
- Grant Agreement Cover Sheet (CalRecycle 110).
- Exhibit A – Terms and Conditions: contain CalRecycle standard legal requirements for Grants.
Note: See the Grant Administration Documents section on the [TDA Notice of Funds Available web page \(http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/default.htm\)](http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/default.htm) to download the Terms & Conditions.

- Exhibit B – Procedures and Requirements: contain specific requirements for administering this Grant, including but not limited to project, reporting, and audit requirements.
Note: See the Grant Administration Documents section on the [TDA Notice of Funds Available web page \(http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/default.htm\)](http://www.calrecycle.ca.gov/Tires/Grants/TDA/FY201213/default.htm) to download a draft of the Procedures & Requirements.

- Exhibit C – Grantee's Approved Application with revisions, if any, and any amendments*
- Exhibit D – Application Guidelines and Instructions
- Attachment –Forms Guide: CalRecycle forms to be used throughout the Grant Performance Period.

Note: See the [CalRecycle Forms web site \(http://www.calrecycle.ca.gov/Grants/Forms/\)](http://www.calrecycle.ca.gov/Grants/Forms/) to download the forms.

* The Project Summary and Calculation spreadsheet is submitted with and is a part of the Grantee's Approved Grant Application, and are incorporated into the Grant Agreement by reference.

REPORTING PROCESS

Grantees are required to report on the progress of their Grant:

- A Progress Report is due April 1, 2014.
- A Final Report is due April 1, 2015.

Detailed reporting information is included in Procedures & Requirements – Exhibit B of the Grant Agreement.

PAYMENT REQUEST PROCESS

Eligible costs are authorized for reimbursement upon the Grant Manager's approval of the Payment Request, and if required, the accompanying Progress/Final Report. Payment Requests must include itemized documentation of claimed expenses (e.g., itemized receipts and proof of payment of invoices). Ten percent (10%) of each approved Payment Request amount will be retained by CalRecycle until the Grant Manager approves the Final Report, the Final Payment Request and all required supporting documentation. Failure to submit these final documents by the deadline specified in the Procedures & Requirements or failure to receive the Grant Manager's approval of these documents by April 1, 2015, may result in the nonpayment of otherwise eligible costs. Detailed payment information is included in Procedures & Requirements – Exhibit B of the Grant Agreement.

GRANT AGREEMENT PROVISIONS

AUDIT REQUIREMENTS AND WAIVER OF PERSONAL JURISDICTION

As with all Grant Agreement provisions, the following provisions are non-negotiable. Submittal of an application constitutes acceptance of the provisions.

1. Audit/Records Access: The Grantee agrees that CalRecycle, the Bureau of State Audits, or their

designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. The Grantee agrees to maintain such records for possible audit for a minimum of three years after final payment or the end of the Grant Term, whichever is later, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute or audit, whichever is later. The Grantee agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the Grantee agrees to include a similar right of the State to audit records and interview staff in any contract or subcontract related to performance of this Agreement.

2. Waiver of Personal Jurisdiction: Should CalRecycle seek reimbursement of costs paid to a Grantee as a result of an audit finding, the Grantee hereby waives any jurisdictional defenses and expressly waives tribal sovereign immunity as a defense to any action in any court of the State of California for the recovery of such funds.